

1           A     It's approximately four to five years ago.

2           Q     And then down there you mentioned that you at one  
3 point purchased a station in Richmond, Virginia, WEZS?

4           A     That's correct.

5           Q     Can you give us the dates when you -- when that  
6 station was purchased, the year, if you remember?

7           A     Nineteen-- the later -- 1968, perhaps the early part  
8 of 1969.

9           Q     And that station was subsequently sold by you?

10          A     Yes.

11          Q     And do you recall when that was sold?

12          A     Roughly seven, eight years ago.

13          Q     Thank you.

14          A     I have not had time to review the dates of those two  
15 sales, WEZS and the Manassas station.

16          Q     You've just given that to the best of your  
17 recollection?

18          A     These are approximate dates --

19          Q     I understand.

20          A     -- to the best of my recollection .

21          Q     Thank you. Do you recall what year EZ purchased  
22 WBZZ-FM in Pittsburgh?

23          A     1974, I believe. No, I wouldn't -- that's not  
24 correct. I'm sorry. I don't remember.

25          Q     You don't remember?

1           A     I don't recall the date offhand. More likely 1977,  
2 but I -- again I --  
3           Q     Well, if you don't recall --  
4           A     I don't recall.  
5           Q     Now, I wonder if you would turn to page 2 of BZZ  
6 Exhibit No. 8 and the last full paragraph on that -- or the  
7 last paragraph on that page, and with reference to your  
8 spending an average of about five hours a week specifically to  
9 matters relating to the Pittsburgh station, when you say EZ's  
10 Pittsburgh broadcast operations you mean WBZZ?  
11          A     Or most recently the additional station -- LMA.  
12          Q     WQKB?  
13          A     Right.  
14          Q     In other words, the five hours a week would  
15 encompass both, both stations?  
16          A     Yes.  
17          Q     You gave a period there of since 1985 in your  
18 estimate there and I would ask this question. During the time  
19 period would you say that the time you devoted specifically to  
20 your Pittsburgh operations were more or less or the same as  
21 you devote to the other EZ stations?  
22          A     Probably not a great deal more, if any.  
23          Q     Essentially the same?  
24          A     Essentially the same.  
25          Q     Now, with, with reference just to the WBZZ station

1 and using your time frame of 1985 forward, could you recall  
2 any specific WBZZ matter that you devoted time to?

3 A I could illustrate dozens upon dozens of events or  
4 occurrences that caused my -- or came to my attention.

5 Q Could you give an example, representative example or  
6 illustration?

7 A It could be the purchase of the -- of WKQB (sic) or  
8 the LMA of that radio station. It could be sales. It could  
9 be programming. It could be many, many different things.

10 Q Now, in other exhibits WBZZ has informed the parties  
11 that you intend to acquire two additional stations in St.  
12 Louis, Missouri. Correct?

13 A That's correct.

14 Q And will you be devoting time to those stations upon  
15 their acquisition?

16 A As I do in all, all markets and all properties.

17 MR. BERFIELD: I have no further questions of Mr.  
18 Kellar. Thank you.

19 JUDGE LUTON: Bureau?

20 MR. ZAUNER: We have no questions, Your Honor.

21 JUDGE LUTON: Redirect?

22 MR. KRAUS: I have just a couple.

23 REDIRECT EXAMINATION

24 BY MR. KRAUS:

25 Q Mr. Kellar, and this may be impossible, but can you

1 quantify prior to January 1, 1993 -- I think this one is  
2 possible -- how much time you devoted to the affairs  
3 exclusively of WBZZ on an average weekly basis?

4 MR. BERFIELD: I would object only on the sense that  
5 he stated it in his exhibit. I mean, are you asking the  
6 witness to corroborate his exhibit or vary from his exhibit?  
7 It's in --

8 JUDGE LUTON: Overruled.

9 WITNESS: I think the answer to that question is  
10 there are certain events that take place in any, any radio  
11 station that at times requires more attention and, yes, I  
12 think since January 1, 1993 there would have been a greater  
13 amount of time spent on Pittsburgh.

14 BY MR. KRAUS:

15 Q All right. But prior -- if you'll focus for a  
16 moment with me on the period when you owned and operated only  
17 WBZZ, would your statement in your Exhibit 8 relate  
18 specifically to that, the five hours exclusively a week?

19 A Oh, yes.

20 Q Okay. Now, after January 1 you operated both WBZZ  
21 and had a Local Marketing Agreement with WKQB (sic), so you  
22 now had concerns about, in effect, two facilities. Can you  
23 suggest, if it's possible, whether there have -- can you  
24 segregate since that -- the acquisition of that interest --  
25 approximately how much time was devoted exclusively to WBZZ

1 matters, and I don't want you to -- know if you can't?

2       A     I don't think I could segregate it. It's much like,  
3 it's much like a child. The more activities that child is  
4 involved in, the more time you would spend with that child,  
5 and I think that as activities -- as there were lots of  
6 activities in Pittsburgh, that would have acquired more time.

7       Q     But is it fair to say that on a week by week basis  
8 there are some matters which relate exclusively to WBZZ?

9       A     Yeah, absolutely.

10       Q     And approximately how much time would you devote in  
11 a typical week to those exclusive WBZZ matters?

12           MR. BERFIELD: Objection as the question is phrased,  
13 the time frame.

14           MR. KRAUS: Since January 1, 1993. Thank you, Mr.  
15 Berfield.

16           WITNESS: Certainly at least half that time and  
17 probably more.

18           BY MR. KRAUS:

19       Q     By half that time do you mean two-and-a-half hours a  
20 week?

21       A     I would think.

22       Q     Thank you. Now, Mr. Berfield asked you to describe,  
23 as I understood him at least, your involvement in -- give an  
24 example of a Pittsburgh activity that you've been involved in  
25 and you gave the response that related to WQKB. Have there

1 | been projects before January 1, 1993 that involved WBZZ?

2 |       A     I think my answer to Mr. Berfield was that there  
3 | were many, many different activities and -- that required  
4 | attention and could be most -- I could illustrate dozens upon  
5 | dozens of individual activities that required --

6 |       Q     Can you give him -- can you give us one example in  
7 | the last year of something that related to WBZZ prior to  
8 | January 1, '93? I'll ask you about afterwards in a minute.

9 |       A     Programming. Programming would be one that we'd be  
10 | very much involved in.

11 |       Q     And can you give us a little explanation of what  
12 | that involvement would be?

13 |       A     A review of rating services, of research,  
14 | programming talent, program management.

15 |       Q     And this relates to WBZZ?

16 |       A     BZZ, yes.

17 |       Q     Okay. Now, since January 1, 1993 can you think of a  
18 | project that has -- that you -- in which you've been involved  
19 | that has, has focused specifically on WBZZ and sustained from  
20 | WBZZ and QKB or QKB?

21 |       A     I don't recall an individual single event that -- in  
22 | which case I would have devoted time exclusively to either BZZ  
23 | or WKQB (sic).

24 |       Q     Well, let me ask you whether, for example, you  
25 | devoted any time to this, this hearing?

1 A Oh, that's a different -- yes, considerable time.

2 Q And devoted any time since January 1, 1993?

3 A Considerable time for this hearing, to the  
4 preparation for this hearing.

5 Q And has that involvement related to WBZZ, not WQKB?

6 A Yes.

7 MR. KRAUS: Thank you, Your Honor. No further  
8 questions.

9 JUDGE LUTON: Recross?

10 MR. BERFIELD: None, Your Honor.

11 JUDGE LUTON: All right. Bureau have anything?

12 MR. ZAUNER: No.

13 JUDGE LUTON: All right. Thank you, Mr. Kellar.  
14 You may step down.

15 (Whereupon, the witness was excused.)

16 JUDGE LUTON: That will complete our business for  
17 the time being.

18 MR. BERFIELD: Thank you, Your Honor.

19 JUDGE LUTON: Mr. Berfield will now let us know by  
20 November 5 whether he wants to present some rebuttal witnesses  
21 and if there's going to be rebuttal, we'll use the week of  
22 November 16, I believe it is, for the purpose since we won't  
23 have any public witnesses. We'll be in recess then.

24 MR. BERFIELD: Thank you.

25 JUDGE LUTON: Thank you.

(Whereupon, the hearing was adjourned at 1:40 p.m.).

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APPLICATIONS OF EZ COMMUNICATIONS, INC.

**Name** AND ALLEGHENY COMMUNICATIONS GROUP, INC.

MM DOCKET NO. 93-88

**Docket No.**

WASHINGTON, D.C.

**Place**

OCTOBER 27, 1993

**Date**

We, the undersigned, do hereby certify that the foregoing pages, numbers 293 through 349, inclusive, are the true, accurate and complete transcript prepared from the reporting by BARBARA J. LORD in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

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